

CIVIL COVER SHEET

JUDGE PALLMEYER

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

MAGISTRATE JUDGE KEYS

(a) PLAINTIFFS

Bobby Giles, as Special Administrator for the Estate of Jannie Giles, Deceased.

(b) County of Residence of First Listed Plaintiff Cook County, Illinois
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Louis C. Cairo, Colin O'Malley, and Michael A. Knobloch
Goldberg, Weisman & Cairo, Ltd., One East Wacker Drive, 34th Floor,
Chicago, IL 60601. Ph: 312-464-1200

DEFENDANTS

EDA

Chicago Drum, Inc., et al. (see attachment A for complete list)

County of Residence of First Listed Defendant Cook County, Illinois

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

| | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

| | PTF | DEF | PTF | DEF | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|--|--|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | PROPERTY RIGHTS | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 450 Commerce/ICC Rates/etc. |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excl. vet.) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 660 Occupational Safety/Health | SOCIAL SECURITY | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 490 Cable/Satellite TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | LABOR | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Inj. | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 850 Security/Commodity/Exch. |
| <input type="checkbox"/> 195 Contract Product Liability | | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 875 Customer Challenge |
| <input type="checkbox"/> 196 Franchise | | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 12 USC 3410 |
| REAL PROPERTY | CIVIL RIGHTS | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | | FEDERAL TAX SUITS | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> Habeas Corpus: | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 ADA—Employment | <input type="checkbox"/> 530 General | | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 ADA — Other | <input type="checkbox"/> 535 Death Penalty | | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 540 Mandamus & Other | | <input type="checkbox"/> 890 Other Statutory Actions |
| | | <input type="checkbox"/> 550 Civil Rights | | |
| | | <input type="checkbox"/> 555 Prison Condition | | |

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

| | | | | | | |
|--|---|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|--|---|--|---|--|---|--|

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

Conspiracy to violate the Resource Conservation and Recovery Act of 1967, 42 U.S.C. sec. 6901 et seq.

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Not stated CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

IX. This case is not a refiling of a previously dismissed action.

is a refiling of case number _____, previously dismissed by Judge _____

DATE 08/15/2008

SIGNATURE OF ATTORNEY OF RECORD

s/ Benjamin W. Hulse

ATTACHMENT A: DEFENDANTS NAMED IN COMPLAINT

CHICAGO DRUM, INC.

INDUSTRIAL CONTAINERS SERVICES, LLC

INDUSTRIAL CONTAINER SERVICES-IL, LLC

IFCO SYSTEMS N.V.

IFCO SYSTEM ILLINOIS, INC.

IFCO SYSTEMS NORTH AMERICA, INC.

DRUM HOLDING COMPANY, INC.

ESP REALTY CORP., INC.

ELLIOT S. PEARLMAN

BASF CORPORATION

SUN CHEMICAL CORPORATION

3M COMPANY

EXXONMOBIL OIL CORPORATION

MOBIL PLASTICS RECYCLING CORP.

EXXON MOBIL OIL CORPORATION

MOBIL CORPORATION

MOBIL CHEMICAL COMPANY, INC.

DEWITT BARRELS, INC.

THE SHERWIN-WILLIAMS COMPANY

ATTACHMENT B: COUNSEL FOR DEFENDANTS

Mark S. Lillie, P.C.
James J. Boland
Benjamin W. Hulse
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, Illinois 60601
Phone: (312) 861-2000
Attorneys for Defendant 3M Company

Thomas A. Andreoli
Stefanie R. Glover
SONNENSCHEIN NATH &
ROSENTHAL LLP
8000 Sears Tower
233 South Wacker Drive
Chicago, IL 60606
Phone: (312) 876-8000
Attorneys for Sun Chemical Corp.

Brian J. Masternak
WARNER NORCROSS & JUDD
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids, MI 49503-2487
Phone: (616) 752-2000
Attorney for DeWitt Barrels, Inc.

J. Patrick Herald
Douglas B. Sanders
Michael McCutcheon
BAKER & MCKENZIE LLP
One Prudential Plaza
130 East Randolph Drive
Chicago, IL 60601
Phone: (312) 861-8000
*Attorneys for Chicago Drum, Inc., Illinois
Drum, Inc., Drum Holding Company, Inc.,
Elliot Pearlman, IFCO Systems North
America, Inc., Industrial Containers
Systems, LLC, Industrial Container
Systems – IL, LLC*

Michael A. Pope, P.C.
Peter Schutz
McDERMOTT, WILL & EMERY
227 West Monroe Street
Chicago, IL 60606
Phone: (312) 372-2000
Attorneys for BASF and ExxonMobil

Carol Hogan
Angela M. Muccino
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, IL 60601-1692
Phone: (312) 782-3939
Attorneys for Sherwin-Williams Co.